



CrI.O.P.No.16930 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CrI.O.P.No.16930 of 2024

1.Karuppa @ Abavanan

2.Vicky @ Vignesh

3.Elango @ Elangovan

...Petitioners/Accused - 1 to 3

Vs.

The State represented by
The Inspector of Police,
P-1, Puliyanthope Police Station,
Chennai.
[Crime No.18 of 2018]

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of the BNSS, praying to enlarge the petitioner on bail in C.C.No.5337 of 2019 on the file of the X Metropolitan Magistrate Court, Egmore, Chennai in connection with Crime No.18 of 2018 on the file of the respondent police.

For Petitioners : Mr.R.Saritha



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For Respondent : Mr.S.Vinoth Kumar
Government Advocate (CrI. Side)

ORDER

The petitioners seek bail in C.C.No.5337 of 2019 in Crime No.18 of 2018 on the file of the X Metropolitan Magistrate Court, Egmore, Chennai, for the offences under Sections 294(b), 323, 324 and 506(ii) of the IPC. The petitioners have been remanded to judicial custody on 11.06.2024 on execution of the NBW issued against them on 07.09.2021.

2. The case of the prosecution is that, due to the non-appearance of the petitioners before the trial court, a Non Bailable Warrant was issued against the petitioners on 07.09.2021 and the same was executed on 11.06.2024. Hence, the case.

3.Learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. She further submitted that due to the pandemic threat in 2021, they could not appear before the Trial court, and as a result of their non-appearance, an NBW was issued against them. She further submitted that they are



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ready to furnish substantial sureties for their due release on bail; therefore, she prays for the grant of bail to the petitioners.

4.Learned Government Advocate (Crl.Side) for the respondent opposed granting bail to the petitioner by stating that the NBW was issued against the petitioners on 07.09.2021 and the same was executed on 11.06.2024; that for the past three years, the petitioners were absconding; they secured only on 11.06.2024; that the charges were also framed; and that the case was posted for the examination of witnesses.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made on both sides, the fact that bail was already granted to the petitioners, and due to their non-appearance, an NBW was issued against them, and the same has been executed, and now the case is posted for examination of prosecution witnesses after framing charges, and also taking into consideration the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:



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7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties, each for a like sum to the satisfaction of the *Metropolitan Magistrate – X, Egmore, Chennai* and on further conditions that:

[a] the petitioners shall report before the Jurisdictional Magistrate on every working day at 10.30 a.m., until further orders;

[b] the petitioners shall not abscond either during investigation or trial;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.



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To

- 1.The Metropolitan Magistrate - X,
Egmore,
Chennai.
- 2.The Superintendent of Prison,
Central Prison,
Puzhal.
- 3.The Inspector of Police,
P-1, Puliyanthope Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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